

STATE OF OKLAHOMA v. TYSON DEAN COUCH

December 18, 2006

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IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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COPY

STATE OF OKLAHOMA, et al.,)
)
Plaintiffs,)
)
vs.) No. 4:05-CV-00329-TCK-SAJ
)
TYSON FOODS, INC., et al.,)
)
Defendants.)

* * * * *

DEPOSITION OF DEAN COUCH
TAKEN ON BEHALF OF THE DEFENDANTS
ON DECEMBER 18, 2006 AT 9:40 AM
IN OKLAHOMA CITY, OKLAHOMA
* * * * *

APPEARANCES:

MS. D. SHARON GENTRY, Riggs, Abney, Neal, Turpen,
Orbison & Lewis, 501 North Broadway, Suite 101, Oklahoma City,
Oklahoma 73118 appearing on behalf of the Plaintiff.

MR. J. TREVOR HAMMONS and MR. ROBERT D.
SINGLETARY, Office of the Attorney General, 4545 North Lincoln
Boulevard, Suite 260, Oklahoma City, Oklahoma 73105-3488
appearing on behalf of the Plaintiffs.

(Appearances continued on Page 2)

Reported By: Jody Graham, CSR, RPR, RMR, CRR

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1 me if you can recall having reviewed it before.
 2 A Yes. I believe the Office of Attorney
 3 General provided copies of documents. I don't
 4 recall specifically about amended first
 5 interrogatories and request for productions, but I
 6 do believe the Cargill Turkey production was in
 7 that group of documents provided by the Office of
 8 Attorney General some time ago.
 9 Q Is it your general understanding that you
 10 have received copies from the Attorney General of
 11 the discovery requests issued by all the parties in
 12 this lawsuit?
 13 A Yes.
 14 Q Did you participate in providing answers
 15 to any of the discovery requests that are in Exhibit
 16 Number 3?
 17 A In terms of the documents, request for
 18 productions or the interrogatories? I'm sorry.
 19 Q Actually, the question was simply any. If
 20 you have any recollection as to yes as to some or
 21 as to definitely no as to others, that would be
 22 helpful.
 23 A Yes. We -- in reviewing the documents
 24 here today provided in this room, whether they
 25 also complied with other requests besides

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1 Peterson, yes.
 2 Q Then it's correct, then, if I understand,
 3 that -- that you did have a role in reviewing these
 4 questions to determine if this agency had any
 5 responsive documents to the questions in
 6 Exhibit 3?
 7 A Again, I received these, summarily
 8 reviewed them and then worked with the office of
 9 Attorney General's staff as they helped pull all the
 10 boxes together and put those and categorized
 11 those. So, yes, I did review that to that extent.
 12 Q Did you review any documents within the
 13 boxes you've referenced to identify responses to
 14 any of those questions?
 15 A Yes. The Office of Attorney General in
 16 reviewing the documents for Peterson also
 17 identified those that would be responsive to this
 18 request.
 19 Q So that was a function that the Office of
 20 the Attorney General performed and not you?
 21 A It was -- as custodian of records, I
 22 worked with the Office of Attorney General, yes.
 23 Q Did you -- this Exhibit 3 contains both
 24 request for production and interrogatories. Did
 25 you participate in the process of finding answers

1 to the interrogatories, as well? Or did your work
 2 limit itself to identification of the documents?

3 A I think just for the request for production
 4 of documents.

5 Q Do you recall having had any input in the
 6 course of this lawsuit to answering anyone's
 7 requests for interrogatories?

8 A I don't recall specific -- specifically
 9 sitting down about that on the specific
 10 interrogatories, no.

11 Q Do you recall anyone from any other
 12 agency contacting you and asking for assistance in
 13 their work in answering interrogatories?

14 A No, not that I recall.

15 Q If I were to hand you additional sets of
 16 requests for production issued in this case and
 17 ask if you think you've seen them, as well, would I
 18 expect your response to be, "I probably have seen
 19 them because I understand I've seen all the ones
 20 that were issued"?

21 A That would probably be my answer.

22 Q Then I can save you Exhibits 4, 5, 6
 23 and 7. And that's all I have.

24 MS. LONGWELL: Are Exhibits 4, 5 and 6
 25 and 7 --

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1 MR. TUCKER: They won't be exhibits.
 2 MS. LONGWELL: They won't be exhibits?
 3 Okay. So I would start with Exhibit 4? Okay.

4 DIRECT EXAMINATION
 5 (Continued) BY MS. LONGWELL:

6 Q I want to ask you some questions, Mr.
 7 Couch, about some specific reports and whether
 8 they, to your knowledge, have been contained in
 9 the production provided that are responsive to
 10 Peterson's request for production.

11 Do you know if the 2002 report on the
 12 Illinois River Basin tour has been provided in
 13 response to Peterson's request for production of
 14 documents?

15 A The tour?

16 Q It's a report, the Illinois River Basin tour
 17 report.

18 A I recall documents about a -- that were
 19 provided during a board meeting at which members
 20 of the Oklahoma Water Resources Board and others
 21 did a tour. And I do believe all of those
 22 documents are provided. There may have been a
 23 Power Point presentation and a handout that was
 24 provided to the board members during that tour, if
 25 that's the tour that's being referenced.